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ADVANCED CRIMINAL LAW: ISSUES IN THEORY AND PRACTICE

Volume I

Shaun Nakatsuru and Martha Shaffer
Faculty of Law
University of Toronto

2000 - 20001

Prepared with the assistance of Anusha Aruliah, Nikki Geshbain,
Matthew Horner and Lisa Dufraimont

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VOLUME I

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Kent Roach, "Four Models of the Criminal Process" (1999) 89 J. of Crim. Law and Criminology 671 1

Martha Minow, "Between Vengeance and Forgiveness: Feminist Responses to Violent Injustice" (1998) 32 N. E. Law Rev. 967 21

Leonard Mandamin et al, "The *Criminal Code* and Aboriginal People" (1992) U.B.C. Law Rev. 5 29

Report of the Commission on Systemic Racism in the Ontario Criminal Justice System, A Community Summary, (Toronto: Queen's Printer, 1995) chapter 4 32

WEEK 3 - ROLE OF CROWN COUNSEL

R. v. Henderson (1998), 134 C.C.C. (3d) 131 (Ont. C.A.) 42

Ken Crispin, "Prosecutorial Ethics" in S. Parker and C. Sampford (eds.) *Legal Ethics and Legal Practice* (Oxford: Clarendon Press, 1995) 50

Fred Zacharias, "Structuring the Ethics of Prosecutorial Trial Practice: Can Prosecutors Do Justice" (1991) 44 Vand. L. Rev. 45 57

Fred Kaufman, "The Commission on Proceedings Involving Guy Paul Morin" vol. 2 62

Ellen Yaroshefsky, "Balancing Victim's Rights and Vigorous Advocacy for the Defendant" 1989 Annual Survey of American Law 67

WEEK 4 - ROLE OF DEFENSE COUNSEL

Monroe H. Freedman, "Professional Responsibility of the Criminal Defense Lawyer: The Three Hardest Questions" (1966) 64 Mich. L. Rev. 1469 78

Michael Webster, "The Accused's "Great Interest": Do I Dare to Testify?" (1994) 36 Crim. L. Quarterly 185 86

R. v. Murray (2000) 144 C.C.C. (3d) 289 98

WEEK 5 - PERSPECTIVES ON RESTORATIVE JUSTICE

Kent Roach, "Changing punishment at the turn of the century: Restorative justice on the Rise (2000) 42 Can J. Crim. 249 125

John Braithwaite, "Shame and Criminal Justice" (2000) 42 Can. J. of Crim. 281 141

WEEK 6 - PLEA BARGAINING

Law Reform Commission of Canada, *Criminal Procedure: Control of the Process*, (Working Paper No. 15) (Ottawa: Information Canada, 1975) 151

Law Reform Commission of Canada, *Plea Discussions and Agreements*, (Working Paper No. 60) (Ottawa: Information Canada, 1989) 155

Report of the Attorney General's Committee on Charge Screening, Disclosure and Resolution Discussions (Toronto: Queen's Printer, 1993) (Chair: G. Arthur Martin) 173

Patrick Galligan, *Report to the Attorney General of Ontario on Certain Matters Relating to Karla Homolka* (15 March, 1996) 198

WEEK 7 - JURY SELECTION

Deirdre Golash, "Race, Fairness, and the Jury" (1992) 10 Behavioral Sciences and the Law 155 249

R. v. Pizzacalla (1991), 5 O.R. (3d) 783 (Ont. C.A.) 262

R. v. Biddle (1993), 84 C.C.C. (3d) 430 (Ont. C.A.) 263

R. v. Biddle, [1995] 1 S.C.R. 761 267

R. v. Williams, [1998] 1. S.C.R. 1128 270

R. v. A.K., (13 September, 1999] (Ont. C.A.) [unreported] 284

Barbara Underwood, "Ending Race Discrimination in Jury Selection: Whose Right is it, Anyway?" (1992) 92 Columbia L. Rev. 725 300